

## **REGULAR MEETING JULY 23, 2013**

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the council chamber on the above date.

### **CALL TO ORDER**

Mayor Gary Engelstad opened the meeting with a salute to the flag.

### **Sunshine Law**

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for "Annual Notice", and posted on the official bulletin board.

### **Roll Call 6:31 PM**

Present: Council: Cotler, D'Angelo, Goldfarb, Galassetti  
Mayor Engelstad  
Attorney DuPont  
Business Administrator Wilkins  
Secretary: Municipal Clerk Mary Ann Solinski

Mayor Engelstad announced that Captain Modjeski originally scheduled for tonight's meeting to discuss the Maritime Forest at the north end has requested to speak at the next meeting and that Pete Johner of Jersey Central Power and Light Company will replace Capt. Modjeski and that Chief Guida will give a FEMA update as well.

### **Presentations**

Pete Johner of Jersey Central Power and Light spoke about his company's initiatives and improvements since rebuilding the system's power infrastructure since Hurricane Irene and Hurricane Sandy. Mr. Johner addressed issues reported by the public such as long wait for downed power lines and poles and spoke about features that customers might find on the First Energy website [firstenergycorp.com](http://firstenergycorp.com) which provides power outage maps which includes estimated time for power to be restored in specific areas. Mr. Johner explained the company's policy during extreme heat and humidity where transmission system may reach maximum capacity during which the company has a voltage reduction around 5%. Councilmen Cotler and Galassetti questioned whether JCP&L would support solar and wind powered street lights on the beachfront. Mr. Johner replied that the company would be interested in partnering with the borough and that a proposal needs to be reviewed by JCP&L engineers and corporate officials to see what would be specifically involved.

Chief Leonard Guida, Coordinator of OEM reported that due to an appeal filed by the agency for the December Snow Storm a couple of years ago notification has been received that an additional \$30,500 will be received for damage to the tag booths, gazebo and the solar panels.

## Discussion Item

### 2013 NJDOT Trust Fund Grant

Administrator Wilkins read the engineers' letter to council concerning the 2013 New Jersey Department of Transportation Fund Grant recommending the continuance of road improvements to LaReine Avenue. The council will review the recommendations and make a final decision at the next meeting concerning the grant and scope of work.

### Items added to the Agenda

On motion by Engelstad/Galassetti to add a resolution authorizing the execution of an Interlocal Agreement for Municipal Court Services with the Borough of Neptune City and the Borough of Avon by the Sea Commencing March 1, 2013 and terminating on December 31, 2015

## APPROVAL OF MINUTES

On Motion by Engelstad/ Galassetti to approve the minutes of April, May 14<sup>th</sup> as amended, May 21<sup>st</sup> and June 11, 2013

ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None

### APPROVED MOTION

On Motion by Engelstad/ Cotler to approve the minutes of May 28, 2013

ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Engelstad  
NAYS: None  
ABSTAIN: Galassetti

### APPROVED MOTION

On Motion by Engelstad/ Cotler to approve the minutes of and June 25, 2013

ROLL CALL AYES: Cotler, Galassetti, Engelstad  
NAYS: None  
ABSTAIN: D'Angelo, Goldfarb

### APPROVED MOTION

## ORDINANCE

### Final Reading and Adoption

Mayor Engelstad announced that this was the time advertised for a public hearing on the following ordinance:

### ORDINANCE NO. 2013-07

**ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF BRADLEY BEACH, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND**

**THE EXECUTION OF A LEASE AND AGREEMENT RELATING  
THERETO**

ON MOTION by Engelstad /Galassetti moved to open the public hearing.  
ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None  
Mayor Engelstad gave a brief explanation of the ordinance.  
ON MOTION by Engelstad / Galassetti moved to close the public hearing.  
ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None  
ON MOTION by Engelstad / D'Angelo moved to adoption.  
ROLL CALL AYES: D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: Cotler

**ADOPTED ORDINANCE**

**Final Reading and Adoption**

Mayor Engelstad announced that this was the time advertised for a public hearing on the following ordinance:

**ORDINANCE NO. 2013-08  
BOROUGH COUNCIL  
MEETING DATE – JULY 23, 2013**

**ORDINANCE AUTHORIZING THE GUARANTY BY THEBOROUGH  
OF BRADLEY BEACH, NEW JERSEY FOR PAYMENT OF PRINCIPAL  
ANDINTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE  
BONDS, SERIES 2013 (BRADLEY BEACH PROJECT) OF THE  
MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

ON MOTION by Engelstad / Goldfarb moved to open the public hearing.  
ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None  
Mayor Engelstad gave a brief explanation of the ordinance.  
ON MOTION by Engelstad / Goldfarb moved to close the public hearing.  
ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None  
ON MOTION by Engelstad / Galassetti moved to adoption.  
ROLL CALL AYES: D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: Cotler

**ADOPTED ORDINANCE**

**Final Reading and Adoption**

Mayor Engelstad announced that this was the time advertised for a public hearing on the following ordinance:

**ORDINANCE NO. 2013-09**

**ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL  
EQUIPMENT BY THE BOROUGH OF BRADLEY BEACH, NEW JERSEY  
FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND  
THE EXECUTION OF A LEASE AND AGREEMENT RELATING  
THERE TO**

ON MOTION by Engelstad / Galassetti moved to open the public hearing.

ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None

Mayor Engelstad gave a brief explanation of the ordinance. No comments were offered.

ON MOTION by Engelstad / D'Angelo moved to close the public hearing.

ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None

ON MOTION by Engelstad / Galassetti moved to adoption.

ROLL CALL AYES: D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: Cotler

**ADOPTED ORDINANCE**

**COMMUNICATIONS**

On Motion by Engelstad/ D'Angelo to approve Outdoor Café Licenses  
Sandals Seaview, LLC 900 Ocean Avenue

ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None

**APPROVED MOTION**

On Motion by Engelstad/ Goldfarb to approve NJ Environmental Federation  
notification of canvassing in Bradley Beach between July and August  
2013

ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None

**APPROVED MOTION**

On Motion by Engelstad/ Galassetti to approve Bradley Beach Chamber of  
Commerce request to hold their Restaurant Tour on Sunday, October  
13, 2013

ROLL CALL AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None

**APPROVED MOTION**

On Motion by Engelstad/ Galassetti to approve Sunil Dudani's request for  
permission to put up three banners outside of his store at 126 Main  
Street

ROLL CALL                   AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None  
APPROVED MOTION

## **CONSENT AGENDA**

ON MOTION                   by Engelstad/ Cotler the following Resolutions were moved to adoption.

ROLL CALL                   AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad  
NAYS: None

Resolution 165

### **BILL LIST**

Resolution 166

**AUTHORIZES THE BOROUGH ENGINEER TO PREPARE BID SPECIFICATIONS FOR THE NEW FIFTH AVENUE BEACHFRONT GAZEBO AT A COST NOT TO EXCEED \$1,760.00 AND PROVIDE BID PHASE SERVICES AT A COST NOT TO EXCEED \$3,080.00**

Resolution 167

**APPROVAL FOR THE RENEWAL OF ALCOHOLIC BEVERAGE LIQUOR LICENSE FOR PORTUGUESE SHAMROCK, LLC**

Resolution 168

**APPROVES THE SPECIAL EVENTS ESTIMATED RE-CAPTURE COSTS OF \$1,750.00 FOR THE BRADLEY BEACH CHAMBER OF COMMERCE BOARDWALK BBQ ON SATURDAY, AUGUST 24, 2013 WITH A RAIN DATE OF AUGUST 25<sup>TH</sup>**

## **ADOPTED RESOLUTIONS**

### **RESOLUTION**

Resolution 169

**APPROVES A SPECIAL PARKING PERMIT**

ON MOTION

by Engelstad/ D'Angelo moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Goldfarb, Engelstad

NAYS: Galassetti

### **ADOPTED RESOLUTION**

Resolution 170

**AUTHORIZES THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR MUNICIPAL COURT SERVICES WITH THE BOROUGH OF NEPTUNE CITY AND THE BOROUGH OF AVON BY THE SEA COMMENCING MARCH 1, 2013 AND TERMINATING ON DECEMBER 31, 2015**

ON MOTION

by Engelstad/ Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad

NAYS: None

### **ADOPTED RESOLUTION**

Resolution 171

**PERMITS THE OWNER OF CHOCOBANS TO DISPLAY  
BANNERS AT 126 MAIN STREET UNTIL MONDAY,  
SEPTEMBER 2, 2013**

ON MOTION

by Engelstad/ Galassetti moved to adoption.

ROLL CALL

AYES: Cotler, D'Angelo, Goldfarb, Galassetti, Engelstad

NAYS: None

**ADOPTED RESOLUTION**

Reports

Councilman Cotler asked the status of obtaining the new Ladies Auxiliary bus. Administrator Wilkins responded that the borough is waiting for an official response from the Freeholder Burry as to when the vehicle will be available.

The councilman congratulated the library on their success of the mini library at the beachfront. Councilman Cotler announced that the annual Choose your Cover free skin cancer screening will be held on Saturday, July 27<sup>th</sup> between 10am and 3pm at the Fifth Avenue Boardwalk. Councilman Cotler proposed that the officials form a new committee for planning for future disasters consisting of himself, Norman Goldfarb, Chief Guida, Captain Fahnholz and other emergency responders. The committee would address generalized safety issues.

Councilman D'Angelo announced that he will not be seeking re-election to council as he will be turning 80 years old next year and believes it's time to move on. The councilman recommended that officials review the procedures for larger events like the Lobsterfest as he feels the borough should get a percentage of the proceeds and recommended that the joint subcommittee review the code covering special events and make recommendations to the governing body.

Councilman Goldfarb announced that he attended the library's memorial service to Rose McAtee and that it was a lovely event.

Councilman Galassetti announced that public works in trimming trees on Main Street and plan to continue throughout town. Mr. Galassetti also announced that Mr. Conte owner of the Rain Tunnel Car Wash which recently underwent re-modeling plans to make a donation to the borough by giving one day proceeds towards the Mayor's beachfront fountain renovation fund.

Mayor Engelstad announced that he would like to create a partnership with the Chamber to award plaques in recognition of improvement to businesses. The Mayor thanked public works as he has received numerous compliments on the cleanliness of the beachfront bathrooms.

## Public Comments

Mr. Licata inquired about the status of Sylvan Lake. Administrator Wilkins stated that she was informed by Avon's administrator that an engineering study will be presented at a meeting within the next two weeks in regards to the NCRS grant money and the boroughs plan to partner for a long term solution to the problems at that lake.

A member of the public asked if the borough has to accept beach replenishment as it may create safety issues for bathers. The Mayor responded that the borough has already signed an easement with the State and is glad to be part of the replenishment project. The mayor explained that the borough employs experienced beach staff from the previous replenishment project years ago.

Council requested legal counsel to research the placement of literature distribution boxes on borough property to see if the borough can impose a fee as Councilmen D'Angelo and Galassetti remember being informed by legal counsel years ago that the borough cannot infringe on freedom of speech.

## ADJOURNMENT

ON MOTION                by Engelstad / Galassetti the meeting was adjourned at 7:53 PM.

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Mary Ann Solinski, RMC, CMC  
Municipal Clerk